

UNITED STATES OF AMERICA,	)	3:05-cr-00098-HDM-RAM
	)	3:10-cv-00531-HDM
Plaintiff/Respondent,	)	
	)	
vs.	)	ORDER
	)	
JOHNATHON ROBERTS,	)	
	)	
Defendant/Petitioner.	)	
	)	

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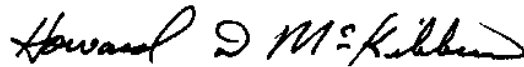
1 F.3d 1074, 1077-79 (9th Cir. 2000). The Supreme Court further  
2 illuminated the standard for issuance of a certificate of  
3 appealability in *Miller-El v. Cockrell*, 537 U.S. 322 (2003). The  
4 Court stated in that case:

5 We do not require petitioner to prove, before the  
6 issuance of a COA, that some jurists would grant the  
7 petition for habeas corpus. Indeed, a claim can be  
8 debatable even though every jurist of reason might  
9 agree, after the COA has been granted and the case  
10 has received full consideration, that petitioner  
11 will not prevail. As we stated in *Slack*, "[w]here a  
12 district court has rejected the constitutional  
13 claims on the merits, the showing required to  
14 satisfy § 2253(c) is straightforward: The petitioner  
15 must demonstrate that reasonable jurists would find  
16 the district court's assessment of the  
17 constitutional claims debatable or wrong."

18 *Miller-El*, 123 S.Ct. at 1040 (quoting *Slack*, 529 U.S. at 484).

19 The court has considered the issues raised by petitioner, with  
20 respect to whether they satisfy the standard for issuance of a  
21 certificate of appeal, and the court determines that none meet that  
22 standard. The court therefore denies a certificate of  
23 appealability in this case.

24 DATED: This 28th day of August, 2012.

25 

26 UNITED STATES DISTRICT JUDGE  
27  
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